

IN THE HIGH COURT OF JUDICATURE AT MUMBAI

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.39 OF 2005

Mr.Suresh Ramnani.

... Petitioner

vs.

1. Mr.Shabbir Fidahussain Taj
and another.

... Respondents.

Mr.Piyush Shah, for the Petitioner.

Mr.Shabbir Fidahussain Taj, Respondent no.1 present.

Mr.V.B.Konde-Deshmukh, A.P.P. for the State-Respondent no.2.

CORAM: A.M.Khanwilkar,J.

DATED: 4th April, 2005.

P.C.:-

Not on board. Upon mentioning taken on board.

Rule. Returnable forthwith.

Respondent no.1 waives the service. Heard for final disposal
forthwith, by consent.

1. The applicant has been prosecuted in respect of the offence under

Section 138 of the Negotiable Instrument Act, in respect of dis-honour of cheque in the sum of Rs.40,000/-. The applicant has already deposited the sum of Rs.20,000/- pursuant to the order dated 16.2.2005 in this Court. The respondent no.1 is present in the Court and is appearing in person after the service of notice issued by this Court of this petition. As agreed between the parties, the applicant has handed over the demand draft in the sum of Rs.70,000/- to the respondent no.1 towards the full and final settlement of the cheque amount. The respondent no.1 has accepted that amount and states that he has no intention to prosecute the matter against the applicant in view of that development. In the circumstances, this application succeeds by modifying the order of sentence while upholding the order of conviction recorded by two courts below. In other words, the applicant will not be required to undergo the sentence ordered by the Courts below, in view of the arrangement arrived at between the parties.

2. The applicant will be entitled to withdraw the sum of Rs.20,000/- deposited in this Court, besides, the amount of Rs.30,000/- as has been deposited before the Lower Court.

3. The application succeeds on the above terms.

4. The consent terms signed by the parties tendered and taken on record.

(A.M.Khanwilkar,J)